

MINUTES OF REGULAR MEETING
SUGAR CITY COUNCIL
SATURDAY, MARCH 10, 2018

Presiding: Mayor David D. Ogden
Meeting Convened at 9:00 a.m.
Prayer: Vaun Waddell
Pledge of Allegiance

Present: Mayor David D. Ogden; Clerk-Treasurer Wendy McLaughlin; Councilors Brent Barrus, Vaun Waddell, Joy M Ball, and Bruce King; City Public Works Director Zane Baler; City Building Inspector Cliff Morris; Planning and Zoning Chair Dave Thompson; Delorum Co-Partner Keith Nelson; Old Farm Estates Developer Jeff Lerwill; *Standard Journal* reporter Adam Jacobs; Citizens Aeryk Checketts, Ninette and Parker Galbraith, Shelley Jones, Charles Ricks, and Bert McLaughlin.

MINUTES: Mayor Ogden asked if there were any corrections to the minutes of the regular meeting held on February 22, 2018. Each councilman had a copy of the minutes prior to the meeting. It was moved by Councilman Waddell and seconded by Councilwoman Ball to accept the minutes, with noted clarification to the Water Cost Sharing Agreement item on upfront investments; motion carried. Councilman King added that, according to his understanding, the idea “that upfront investments cannot be required from developers without returning back some value to them” is incorrect and asked that it be noted.

EXECUTIVE SESSION:

9:05 A.M. It was moved by Councilman Barrus to move into executive session. Councilman Waddell said he thought it was improper that the council had not been notified of the addition of an executive session to the agenda and asked if the executive session was to include all members of the council and if all would participate. The city attorney Mr. Forsberg said all the council members were involved, that the city had received a letter and the subject of the executive session was not what everyone may think. Councilman Waddell said that in this case he seconded the motion. The mayor called for a roll call vote:

Those voting aye: Councilors Barrus, Waddell, Ball, and King
Those voting nay: None

Thereupon the mayor declared the motion passed.

9:40 A.M. The executive session ended and the regular council meeting reconvened. No decisions were made and there was no deliberation.

RECONCILIATION REPORTS: Wendy presented the February reconciliation reports for the General Fund. It was moved by Councilman Barrus and seconded by Councilman Waddell to accept the February reconciliation reports for the General Fund; motion carried. Wendy

presented the February reconciliation reports for the Utility Fund. It was moved by Councilwoman Ball and seconded by Councilman King to accept the February reconciliation reports for the Utility Fund; motion carried.

Wendy presented the current bills in the amount of \$96,586.96. It was moved by Councilman Barrus and seconded by Councilman Waddell to pay the current bills, together with all regular March bills; motion carried. Councilwoman Ball asked about the Historic Preservation Commission fund and her donation to it. She would like an account set up for the fund. City Clerk-Treasurer Wendy McLaughlin said there was already a fund set up.

PLANNING AND ZONING COMMISSION REPORT: Dave Thompson reported that the commission did not have a quorum but met with developers Jeff and Ryan Lerwill to discuss cottage homes.

Cottage Homes: The city code does not have provisions to regulate cottage homes or homes less than the minimum square feet currently allowed. Developers Jeff and Ryan Lerwill will use a Planned Unit Development (PUD) application in order to proceed. Since this is a new type of development, the developers hope to showcase the project.

Replacements for Commission Empty Seats: The mayor asked for names to be considered for the two empty seats left by Jeanne Wright and Tyson Harris.

OLD FARM ESTATES DIVISION #3 FINAL PLAT: The mayor mentioned that all entities required to sign off on the final plat have indicated it now meets all requirements and is ready for the council's consent to be recorded. Councilmen King and Waddell were recused from this agenda item. Councilwoman Ball said that it had been suggested she recuse herself. Mayor Ogden called on Attorney Assistant Dylan Anderson, who, anticipating the issue of not having a second because of recusals said he had researched the need for a motion to be seconded and the city could call the motion to a vote without a second as per Mason's Manual, considered the official parliamentary authority of most state legislators and similar to Robert's Rules of Order to club groups under unusual circumstances such as this. A quorum was established at the beginning of the meeting. Mayor Ogden explained that the plat has been reviewed and was being made ready for the final signatures.

RESOLUTION NO. 2018-4 (Approve and Adopt Old Farm Estates Division #3 Final Plat)
– Resolution No. 2018-4 was read in full by Councilman Barrus.

MOTION: It was moved by Councilman Barrus to approve Old Farm Estates Division #3 final plat; Mayor Ogden called the motion to a vote. Thereupon the clerk called roll upon the motion.

Those voting aye: Councilman Barrus

Those voting nay: None

Councilors Ball, King and Waddell abstained.

A copy of said resolution is attached hereto marked "Attachment #1".

CITY LOGO: Keith Nelson of Delorum reviewed the logo steps with the council. A survey had been sent out to the citizens of 10 different versions of the logo for feedback and direction. One logo stood out among the others by 20%. Mr. Nelson explained that the concept of structure – sky, mountains, cityscape, and fields – and window-into-a-place dominated the feedback. He will

take the next few weeks to explore different elements of this direction for the council to review. Newdale's logo was submitted as a suggested favorite of the office for ideas for the city logo which augmented the same concept as the survey.

MAYOR'S REPORTS: The mayor reported on the following items:

Farmer Merchant Banquet Report: Over 500 tickets were sold for the annual Farmer Merchant Banquet. The city sponsored a table of 12. The mayor felt it was good for the city to be represented and support a major event.

Justin Maupin Meeting Report: The mayor met with Justin Maupin to discuss his participation in the sewer line extension. He owns major portions of the land north of the Moody Road and is currently working with UPS Store who rents ground from him to do the same. He will sign an annexation agreement.

Lawsuit Update: The city is waiting for the judge's ruling on the motion.

Test Well: The mayor met with the well driller for the new test well. He is set to start drilling Monday, March 12.

CODE REVISION TO MODIFY WAIVER AUTHORITY:

The council passed Ordinance No. 331_2018 to amend the powers and duties of the city council to provide a more flexible authority to waive fees and fines and/or other specific requirements. The effect removes "extraordinary" as a qualifier.

ORDINANCE NO. 331_2018 (Powers and Duties of City Council Amendment):

Ordinance No. 331_2018 was introduced by title only by Councilman Waddell entitled:

"AN ORDINANCE AMENDING THE CURRENT SECTION 1-6-1 (B)(13) POWER AND DUTIES OF THE COUNCIL, FOR THE SUGAR CITY MUNICIPAL CODE, AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE."

It was moved by Councilman Waddell and seconded by Councilwoman Ball to waive reading of the ordinance on three different days and to place it upon its final passage. Thereupon the clerk called roll upon the motion.

Those voting aye: Councilors Barrus, Waddell, Ball, and King

Those voting nay: None

Thereupon, the mayor declared that the motion, having been passed by not less than two-thirds of the council, had been duly carried. It was moved by Councilman Waddell and seconded by Councilwoman Ball to adopt this ordinance. Thereupon, the clerk called roll upon the motion.

Those voting aye: Councilors Barrus, Waddell, Ball, and King

Those voting nay: None

Ordinance No. 331_2018 was thereupon declared by the mayor to have been duly passed by not less than two-thirds of the council. The clerk will publish Ordinance No 331_2018 in summary or full immediately in at least one issue of the *Standard Journal*, a newspaper published in the city of Rexburg, Madison County, Idaho.

PSI WASTE SYSTEMS CONTRACT EXTENSION: The council decided to look at other possible options since there is time before deciding to extend the PSI Waste Systems contract due August 2018. The contract extension will not raise rates this year. The council is happy with PSI and the improved service likely due to the new management. PSI approached the city earlier on signing the extension. The mayor and Zane Baler will do more research on other local companies.

2018 ARBOR DAY PROCLAMATION: The Arbor Day Celebration has been scheduled for Friday, May 11, 2018. It was moved by Councilman Waddell and seconded by Councilman Barrus to approve the Arbor Day Proclamation; motion carried. See Attachment #2.

DEPARTMENT REPORTS:

COUNCILMAN BARRUS: Barrus reported that he attended the Madison County Emergency meeting. They talked about the county emergency center and how it works when a disaster strikes. It has only been used once. Madison County Emergency Manager, Trevin Ricks, would welcome an opportunity to talk to the council.

COUNCILMAN WADDELL: Easter Egg Hunt preparation is underway.

COUNCILWOMAN BALL: No report

COUNCILMAN KING: No report.

Meeting adjourned at 10:55 a.m.

Signed: _____
David D. Ogden, Mayor

Attested: _____
Wendy McLaughlin, Clerk-Treasurer

These minutes will remain unsigned by myself for the following reason:

The council elected to approve these minutes with a change to the wording in the Executive Session agenda item, to eliminate the words "pursuant to Idaho Code 74-206 1(f), "Legal counsel on pending or imminently likely litigation, not merely when legal counsel is present," over the objections of myself, Brent Barrus, our City Attorney, and others, who witnessed Brent Barrus make a motion to go into Executive Session, and specifically refer to the above-mentioned reason for having the executive session. I had submitted an email prior to the meeting, when the council was reviewing the minutes, reminding them that I had asked Brent to make the motion, and he was provided the document we use for making those motions, in order to make sure we provide the allowable reasons. Brent has assured us that he included the reason in his motion, and I have talked to others who remember the same as I do. We received the communication about which the meeting was to be held, at the recommendation of our city attorney, on the Thursday before the meeting on Saturday. We immediately posted the amended agenda more than 24 hours prior to the meeting, as is required by State code. Therefore, I consider these minutes to be incorrect, as to that agenda item, and will not sign them for that reason.

Signed: _____
David D. Ogden, Mayor

Attested: _____
Wendy McLaughlin, Clerk-Treasurer

ATTACHMENT #1

The City of Sugar City, Idaho

Resolution No.: 2018 - 4

**“A Resolution to Adopt and Approve the Final Plat for the Old Farm Estates Division
No. 3, of the City of Sugar City.”**

WHEREAS, the Council of the City of Sugar City, Idaho desires to adopt and approve the final plat for the Old Farm Estates Division No. 3, which has been determined to be substantially the same as the Preliminary Plat approved by the City Council earlier; and

WHEREAS, the final plat has been reviewed by all of the relevant parties required for plat approval, including the City Engineer, Planning and Zoning Chairman, City Clerk, Mayor, Owner of the Property, Health Department and County Treasurer; and

WHEREAS, the Council of the City of Sugar City, Idaho feels that the final plat meets all of the city's code requirements;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SUGAR CITY, AS FOLLOWS:

The City Council of the City of Sugar City, Idaho hereby adopts and approves the final plat for the Old Farm Estates Division No. 3, in the City of Sugar City, and authorizes the Mayor to execute and record said plat.

PASSED by the Council of the City of Sugar City on this 10th day of March, 2018

APPROVED by the Mayor of the City of Sugar City on this 10th day of March, 2018.

(SEAL)

David D. Ogden,
Mayor

ATTEST:

Wendy McLaughlin,
City Clerk - Treasurer

2018 ARBOR DAY PROCLAMATION

- Whereas, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and
- Whereas, the holiday, called Arbor day, was first observed with the planting of more than a million trees in Nebraska, and
- Whereas, Arbor Day is now observed throughout the nation and the world, and
- Whereas, trees can reduce the erosion of our precious topsoil by wind and water, lower our heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and
- Whereas, trees are a renewable resource giving up paper, wood for our homes, fuel for our fires and countless other wood products, and
- Whereas, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and
- Whereas, trees, wherever they are planted, are a source of joy and spiritual renewal.

Now, therefore, I David Ogden
Mayor of the City of Sugar City do hereby proclaim
11 of May as Arbor Day in the City of Sugar City

And I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

Further, I urge all citizens to plant and care for trees to gladden the heart and promote the well-being of this and future generations.

Dated this 10th day of February in the year 2018

Mayor 